

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOHN ALBERT STANGEL, #1279383	§	
VS.	§	CIVIL ACTION NO. 6:07cv315
TDCJ-CID, ET AL.	§	

ORDER OF DISMISSAL

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Judith K. Guthrie, who issued a Report and Recommendation concluding that the civil rights complaint that challenges prison disciplinary proceedings should be dismissed pursuant to 28 U.S.C. § 1915A(b)(1). The Plaintiff has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by the Plaintiff to the Report, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. It is noted that the Plaintiff lost good time in the disciplinary proceedings. The appropriate method of challenging the disciplinary case is by a petition for a writ of habeas corpus, as opposed to a § 1983 lawsuit. *See Clarke v. Stalder*, 154 F.3d 186, 189 (5th Cir. 1998); *Montoya v. Jones*, 118 Fed. Appx. 797, 799 (5th Cir. 2004); *Johnson v. Stalder*, 82 Fed. Appx. 906, 907 (5th Cir. 2003). The Plaintiff's objections to the contrary are frivolous. Therefore the Court adopts the findings and conclusions of the magistrate judge as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the complaint is **DISMISSED** without prejudice to the refiling of the claims until such time as the Plaintiff can demonstrate that the disciplinary proceedings have been reversed or declared invalid. 28 U.S.C. § 1915A(b)(1). All motions not previously ruled on are hereby **DENIED**.

**So ORDERED and SIGNED this 28th day of September, 2007.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS**  
**UNITED STATES DISTRICT JUDGE**